

## 21 C.J.S. Courts § 27

Corpus Juris Secundum | May 2023 Update

### Courts

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### II. Jurisdiction of Courts

#### C. Jurisdiction of Subject Matter or Cause of Action

##### 2. Amount in Controversy Within Subject Matter Jurisdiction

##### b. Determination of Amount in Controversy Within Subject Matter Jurisdiction

§ 27. Actual amount in controversy as measure of subject matter jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  [121\(1\)](#), [121\(2\)](#), [121\(8\)](#), [169\(1\)](#)

**The amount or value of the matter actually in dispute between the parties is the amount in controversy for the purpose of determining the jurisdiction of the court and varies according to the nature of the case and the relief demanded.**

In general, the amount actually put in controversy determines the jurisdiction of the court for purposes of a jurisdictional amount limitation,<sup>1</sup> and that which a party in good faith seeks to obtain determines the amount in controversy,<sup>2</sup> excepting a complaint setting forth an improper amount into order to confer or control jurisdiction.<sup>3</sup> The plaintiffs pleadings are generally determinative unless the defendant specifically alleges and proves that the amount was pleaded merely as a sham for the purpose of wrongfully obtaining jurisdiction or can readily establish that the amount in controversy does not fall within the court's jurisdictional limits.<sup>4</sup>

When the relief sought is a sum of money, the amount claimed in good faith<sup>5</sup> by the plaintiff determines the amount in controversy<sup>6</sup> and not the amount of the recovery<sup>7</sup> unless it appears with legal certainty that the plaintiffs cannot recover the amount demanded.<sup>8</sup>

The determination may depend on the value of the right to be protected, or the extent of the injury to be prevented, as in injunction suits.<sup>9</sup>

If a plaintiff asserts a single claim through alternative theories of recovery, the amount in controversy is determined by looking to the theory that would yield the largest reward.<sup>10</sup>

The value of a cause of action must be determined as a whole, when the basis of the court's jurisdiction is stated by statute in terms of the action and not the amount claimed,<sup>11</sup> and does not exclude damages that are uncertain in amount or duration,<sup>12</sup> nor unaccrued claims asserted by the plaintiff and alleged as due before trial,<sup>13</sup> but the value need not include sums expended by the plaintiff in excess of amounts for which reimbursement is sought from the defendant, based on the substantive basis of the plaintiff's claim.<sup>14</sup>

### ***Fraudulent or fictitious claims.***

A court may inquire into an attorney's possible bad faith in claiming damages to meet the jurisdictional limit of the court.<sup>15</sup>

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### Footnotes

- 1 Ark.—*Piper v. Potlatch Federal Credit Union*, 2009 Ark. App. 701, 371 S.W.3d 704 (2009).
- Fla.—*Allen v. Walker*, 810 So. 2d 1090, 163 Ed. Law Rep. 1031 (Fla. 4th DCA 2002).
- La.—*Swayze v. State Farm Mut. Auto. Ins. Co.*, 172 So. 3d 1026 (La. 2015).
- Mich.—*Souden v. Souden*, 303 Mich. App. 406, 844 N.W.2d 151 (2013).
- Ohio—*Staffilino Chevrolet, Inc. v. Balk*, 158 Ohio App. 3d 1, 2004-Ohio-3633, 813 N.E.2d 940 (7th Dist. Belmont County 2004).
- Nev.—*Crowley v. Burke*, 2015 WL 5735119 (Nev. 2015).
- Tex.—*Midtown Edge, L.P. v. City of Houston*, 2014 WL 586232 (Tex. App. Houston 1st Dist. 2014).

As to jurisdictional amount requirements in federal district courts, see C.J.S., Federal Courts §§ 809 to 816.

- 2 Fla.—Becker v. Re/Max Horizons Realty, Inc., 819 So. 2d 887 (Fla. 1st DCA 2002).
- Nev.—Morrison v. Beach City LLC, 116 Nev. 34, 991 P.2d 982 (2000).
- Tex.—Haas v. Ashford Hollow Community Improvement Ass'n, Inc., 209 S.W.3d 875 (Tex. App. Houston 14th Dist. 2006).
- 3 Wyo.—Best v. Best, 2015 WY 133, 357 P.3d 1149 (Wyo. 2015).
- 4 Tex.—Rodney R. Elkins & Co. v. Immanivong, 406 S.W.3d 777 (Tex. App. Dallas 2013).
- 5 Fla.—Baldwin Sod Farms, Inc. v. Corrigan, 746 So. 2d 1198 (Fla. 4th DCA 1999).
- Nev.—Morrison v. Beach City LLC, 116 Nev. 34, 991 P.2d 982 (2000).
- Tex.—Haas v. Ashford Hollow Community Improvement Ass'n, Inc., 209 S.W.3d 875 (Tex. App. Houston 14th Dist. 2006).
- 6 Ark.—Piper v. Potlatch Federal Credit Union, 2009 Ark. App. 701, 371 S.W.3d 704 (2009).
- Fla.—Allen v. Walker, 810 So. 2d 1090, 163 Ed. Law Rep. 1031 (Fla. 4th DCA 2002).
- La.—Swayze v. State Farm Mut. Auto. Ins. Co., 172 So. 3d 1026 (La. 2015).
- Mich.—Souden v. Souden, 303 Mich. App. 406, 844 N.W.2d 151 (2013).
- Nev.—Crowley v. Burke, 2015 WL 5735119 (Nev. 2015).
- Ohio—Porter v. Chait, 2012-Ohio-3696, 2012 WL 3528044 (Ohio Ct. App. 8th Dist. Cuyahoga County 2012).
- Tex.—Midtown Edge, L.P. v. City of Houston, 2014 WL 586232 (Tex. App. Houston 1st Dist. 2014).
- 7 Ark.—Piper v. Potlatch Federal Credit Union, 2009 Ark. App. 701, 371 S.W.3d 704 (2009).
- Mich.—Souden v. Souden, 303 Mich. App. 406, 844 N.W.2d 151 (2013).
- Wyo.—Best v. Best, 2015 WY 133, 357 P.3d 1149 (Wyo. 2015).
- 8 R.I.—Carvalho v. Coletta, 457 A.2d 614 (R.I. 1983).
- 9 La.—Jefferson Parish v. Paciera, 496 So. 2d 266 (La. 1986).
- 10 Tex.—Gulf Coast Waste Disposal Authority v. Four Seasons Equipment, Inc., 321 S.W.3d 168 (Tex. App. Houston 1st Dist. 2010).
- 11 N.Y.—Conway v. Dejesu Maio and Associates, 44 Misc. 3d 277, 986 N.Y.S.2d 789 (Dist. Ct. 2014).
- 12 Tex.—United Services Auto. Ass'n v. Brite, 215 S.W.3d 400 (Tex. 2007).
- 13 Tex.—Haas v. Ashford Hollow Community Improvement Ass'n, Inc., 209 S.W.3d 875 (Tex. App. Houston 14th Dist. 2006).
- 14 Tex.—Midtown Edge, L.P. v. City of Houston, 2014 WL 586232 (Tex. App. Houston 1st Dist. 2014).

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Nev.—[Morrison v. Beach City LLC](#), 116 Nev. 34, 991 P.2d 982 (2000).

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